

**United States
Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007**

**NOTICE OF PUBLIC COMMENT PERIOD ON
U.S. EPA ADMINISTRATIVE COMPLAINT**

Public Notice No. 6-44
AO Docket No. SDWA-02-2006-8508
Date: June 12, 2006

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on the issuance by the Region 2 office of the U.S. Environmental Protection Agency (EPA) of a Proposed Administrative Order (Proposed Order), Docket No. SDWA-02-2006-8508, against Town of Spencer Highway Department, owner/operator of the facility located at 81 East Tioga Street, Spencer, NY 14883. This Proposed Order pertains to violation of Underground Injection Control (UIC) regulations prohibiting injection activities that endanger Underground Sources of Drinking Water.

BACKGROUND

Part C of the Safe Drinking Water Act (SDWA) specifically mandates regulation of the underground injection of fluids through wells to ensure that the quality of underground

sources of drinking water is protected. Section 1422 of the SDWA requires the EPA to administer UIC programs in states that do not have approved UIC programs. New York has not acquired primacy over the UIC program pursuant to regulations at 40 C.F.R. Part 147, and, therefore, the EPA administers the program in New York.

The Proposed Order addresses a well that is owned/operated by Town of Spencer Highway Department. Respondent has failed to comply with 40 C.F.R. §144.11, which prohibits unauthorized injection, and 40 C.F.R. §144.12(a), which requires that owners and operators of injection wells must prevent the movement of any fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 or may otherwise endanger the health of persons. Respondent has injected waste fluids into or above the local aquifer, an underground source of drinking water (USDW), as defined in 40 C.F.R. §144.3 and 146.3. Respondent is, therefore, in violation of 40 C.F.R. §§ 144.11 and 144.12.

The Proposed Order requires the Respondent to submit a remediation plan, documenting how the injection well will be properly cleaned out and, if applicable, abandoned, for EPA review within 30 days of the effective date of this Order. The Proposed Order further requires that Respondent submit a request for permit for any injection wells it wishes to keep using for fluid disposal within 120 days of the effective date of this Order, complete the proper remediation and, if applicable, closure of all injection wells subject to this Proposed Order within 180 days of the effective date of this Order and submit a

report documenting the work done for EPA review within 210 days of the effective date of this Order.

PUBLIC COMMENTS

Written comments will be accepted within 30 days of this notice at the addresses below. All information submitted by Respondent is available as part of the administrative record, subject to provisions of law restricting the public disclosure of confidential information. Further information, including copies of the Proposed Order, may be obtained by contacting the Regional Hearing Clerk.

The administrative record for the proposed Administrative Order is available for review between 9:00 a.m. and 4:00 p.m. at the addresses listed below:

U.S. Environmental Protection Agency

Region II

Regional Hearing Clerk

290 Broadway, 16th Floor

New York, NY 10007

(212) 637-3247

It is recommended that you telephone before visiting EPA Region II offices.

Dore LaPosta, Director

Division of Enforcement and Compliance Assistance